

STUART RABNER  
ATTORNEY GENERAL OF NEW JERSEY  
Richard J. Hughes Justice Complex  
25 Market Street  
PO Box 093  
Trenton, NJ 08625-0093

**FILED**

January 16, 2007

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Kay R. Ehrenkrantz  
Deputy Attorney General  
(609) 984-4654

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS

\_\_\_\_\_  
IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

:

Civil Action

REKHA DAFTARY, M.D.  
LICENSE NO. MD 42971

:

FINAL ORDER  
OF DISCIPLINE

:

TO PRACTICE MEDICINE AND  
SURGERY IN THE STATE OF NEW  
JERSEY

:

\_\_\_\_\_  
:

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent Rekha Daftary, M.D. ("Respondent") is a physician in the State of New Jersey and has been a licensee at all times relevant hereto.

**CERTIFIED TRUE COPY**

2. On or about July 20, 2004, the Attorney General filed a Complaint (see Exhibit A) and on, or about, August 15, 2004, an Answer was filed denying the allegations.

3. With legal representation, Respondent signed a Consent Order, filed June 9, 2005 ("Order") (see Exhibit B), which resolved the contested matter pertaining to the four-count Complaint.

4. Pursuant to the Consent Order, Respondent was reprimanded for failing to comply with Board regulations pertaining to the appropriate maintenance of medical records and failing to include all information in a response to a Demand for Statement Under Oath, contrary to her Duty to Cooperate with the Board.

5. The Order suspended Respondent's license to practice medicine for fifteen (15) months, with a three (3) month active period of suspension, retroactively served by January 1, 2005.

6. Respondent was given twelve (12) months, that is until June 9, 2006, to comply with numerous required terms of the Order, and was barred from practice until satisfactorily complying with all terms, including:

a. Within one year, successful completion of the Special Purpose Examination (SPEX), which measures medical knowledge and requires a scaled score of 75;

b. Within six (6) months, acquisition of both a neuropsychiatric and neuropsychological evaluation, with

satisfactory remediation or treatment, if necessary, with attendant reporting to both the Board and Attorney General;

c. Successful completion of a Board-approved recordkeeping course; and

d. Following successful completion of all prior delineated terms, an appearance before a Preliminary Evaluation Committee of the Board, with proof of medical malpractice insurance, to receive Board approval before she could resume active practice in New Jersey.

7. Respondent submitted proof of successful completion of a Board-approved recordkeeping course within the 12-month period.

8. Respondent underwent a psychiatric evaluation within six months, as required by the Order.

9. The psychiatric evaluation recommended further testing, for which Respondent sought and received an extension from the Board until September 1, 2006.

10. Respondent failed to acquire the neuropsychological evaluation within six months.

11. The Board approved an extension of the neuropsychological testing deadline until July 27, 2006, which Respondent met.

12. Respondent did not take the SPEX exam within the 12-month deadline. She asked for and received an extension in the deadline for compliance with this term until September 1, 2006.

13. Respondent did not take and consequently did not pass the SPEX exam.

14. Respondent did not complete the further testing suggested by the psychiatrist and directed by the Board by the September 1, 2006 extended deadline, and has not sought or received clearance regarding fitness to practice.

#### CONCLUSIONS OF LAW

1. The conduct set forth herein constitutes violations of N.J.S.A. 45:1-21(e) and (i), and thus forms a basis for the imposition of discipline. Specifically, Respondent's failure to successfully comply with several terms of the Consent Order constitutes a violation of N.J.A.C. 13:45C-1.4, and therefore constitutes professional misconduct, a violation of N.J.S.A. 45:1-21(e); and a failure to demonstrate fitness to practice, which constitutes a violation of N.J.S.A. 45:1-21(i).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice medicine and surgery in the State of New Jersey was entered on October 16, 2006 and a copy was personally served on Respondent at her last known address. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by

submitting a written request for reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon Respondent, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 16th day of January, 2007,  
ORDERED that:

1. Respondent's license to practice medicine and surgery in the State of New Jersey shall be and hereby is revoked.

2. Prior to Board consideration of any application for the resumption of licensure privileges in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice, satisfaction of all terms of the prior Order, completion of all remediation suggested by a Board-approved psychiatrist, and completion of an evaluation by the Colorado Professional Education Program (CPEP) or an equivalent program acceptable to the Board. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the

Board reserves the right to place restrictions on Respondent's practice should her license be reinstated.

NEW JERSEY STATE BOARD OF MEDICAL  
EXAMINERS

By: Sindy Paul, MD, MPH  
Sindy Paul, M.D., M.P.H.  
Board President